

UNITED STATES DISTRICT COURT  
WESTERN DISTRICT OF NEW YORK

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UNITED STATES OF AMERICA,

Plaintiff,

DETENTION ORDER

11-CR-6130L

v.

MOHAMAD NAZIR AHMAD,

Defendant.

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The Government moved for review of Magistrate Judge Marian W. Payson's Release Order of July 22, 2011, pursuant to 18 U.S.C. § 3145(a)(1). The Court conducted a review hearing on August 22, 2011.

I find, under applicable law, that the defendant should be detained pending trial, and that there is no condition or combination of conditions that will reasonably assure the appearance of the defendant at trial and other court proceedings.

Defendant has been charged with production of child pornography which consists of a video of the defendant allegedly raping his wife's 13-year old sister. Such an offense is a crime of violence as defined under 18 U.S.C. § 3156(a)(4) and is a case involving a minor victim under 18 U.S.C. § 2251. As such, there is a rebuttable presumption that no condition or combination of conditions will reasonably assure the presence of the defendant. 18 U.S.C. § 3142(e)(3).


I find that the defendant has failed to rebut that presumption, and the Government has established by a preponderance of the evidence that there is no condition or combination of conditions that will reasonably assure the presence of the defendant.

Although the Magistrate Judge did impose significant monetary and non-monetary conditions, under all the circumstances I believe those conditions are not sufficient. I find that there is a substantial risk of flight, and I do not believe that there are conditions that would reasonably assure the defendant's presence.

The factual findings and conclusions of law to support this detention decision are set forth in a transcript of the proceedings of August 22, 2011 and the transcript of those proceedings which sets forth my reasons for this Detention Order are specifically incorporated as my written statement of reasons for detention. *See, United States v. Davis*, 845 F.2d 412, 415 (2d Cir. 1988).

As required by 18 U.S.C. § 3142(i), the defendant is committed to the custody of the Attorney General for confinement in a corrections facility separate to the extent practicable from persons awaiting or serving sentences. Defendant shall be afforded a reasonable opportunity for private consultation with his counsel.

IT IS SO ORDERED.

  
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DAVID G. LARIMER  
United States District Judge

Dated: Rochester, New York  
August 23, 2011.